

SUPREME COURT OF ILLINOIS

THURSDAY, JANUARY 21, 2010

THE COURT MADE THE FOLLOWING ANNOUNCEMENTS:

MISCELLANEOUS RECORD

M.R.20359 - In re: Duncan T. Smith. Disciplinary Commission.

The petition by Duncan T. Smith for leave to file exceptions to the report and recommendation of the Review Board is denied. As recommended by the Review Board, the petition of Duncan T. Smith for reinstatement to the roll of attorneys licensed to practice law in Illinois pursuant to Supreme Court Rule 767 is denied.

Order entered by the Court.

M.R.21650 - In re: Bruce Roth. Disciplinary Commission.

The petition by Bruce Roth for leave to file exceptions to the report and recommendation of the Review Board is denied. As recommended by the Review Board, the petition of Bruce Roth for reinstatement to the roll of attorneys licensed to practice law in Illinois pursuant to Supreme Court Rule 767 is denied.

Order entered by the Court.

Fitzgerald, C.J., took no part.

M.R.21969 - In re: Cynthia Sutherin. Disciplinary Commission.

The Administrator of the Attorney Registration and Disciplinary Commission having filed on December 2, 2009, a report that petitioner Cynthia Sutherin has satisfied the conditions precedent to reinstatement pursuant to this Court's order of November 17, 2009, and the Court being advised in the premises;

The agreed motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Hearing Board with modified conditions is allowed in part.

The petition of Cynthia Sutherin for reinstatement to the roll of attorneys licensed to practice law in Illinois pursuant to Supreme Court Rule 767 is

allowed subject to the following conditions, until further order of this Court:

1. Petitioner shall continue treatment with Dr. Hector Machabanski and Dr. Aftab Poshni, or such other medical professionals acceptable to the Administrator, and adhere to their treatment recommendations until such time as petitioner's treating professionals determine and notify the Administrator that treatment is no longer necessary. Upon such notification to the Administrator, the petitioner shall submit to a second evaluation by a medical professional designated by the Administrator and acceptable to the petitioner. In the event the second medical professional does not concur with petitioner's treating professionals on this issue, the Administrator shall file a report to the Court, so that the Court may review the doctors' opinions and determine whether to continue or terminate this condition related to petitioner's reinstatement.

2. Petitioner shall provide an appropriate release to her treating professionals authorizing them to disclose to the Administrator on at least a quarterly basis petitioner's attendance, compliance or non-compliance with treatment recommendations, and general progress;

3. Petitioner shall work in a structured work environment and shall be mentored by a licensed attorney approved by the Administrator, for at least three (3) years and until such time as she can demonstrate to the Administrator that mentoring is no longer necessary. During the mentoring period:

a. Petitioner shall report to the mentoring attorney at least once a week concerning her practice;

b. The mentoring attorney shall meet with the Administrator and work out a mentoring plan which will require a report in writing to the Administrator at least once every three (3) months concerning the nature of petitioner's practice, the number of cases being handled by petitioner and the mentor's general appraisal of the petitioner's continued fitness to practice law;

c. Petitioner and the mentoring attorney shall report to the Administrator any violation of the Illinois Rules of Professional Conduct which petitioner engages in during the mentoring period;

d. If at any time during the mentoring period the named mentor is unable to fulfill his role as mentor, petitioner shall immediately inform the Administrator and propose a successor mentor, subject to the approval of the Administrator; and

e. Following the mandatory three (3) year mentoring period, should the petitioner submit a written statement from the mentor to the Administrator, together with any other materials, opining that mentoring is no longer necessary, the Administrator may concur and agree that mentoring is no longer necessary and shall so report to the Court. In the alternative, the Administrator shall report to the Court his disagreement with the opinion of the mentor, so that the Court may review petitioner's submissions, as described herein, and determine whether to continue or terminate the mentoring condition related to petitioner's reinstatement.

Order entered by the Court.

M.R.22124 - In re: James F. Doyle. Disciplinary Commission.

The agreed motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Hearing Board with modified conditions is allowed in part. The petition of James F. Doyle for reinstatement to the roll of attorneys licensed to practice law in Illinois pursuant to Supreme Court Rule 767 is allowed subject to the following conditions, with said conditions to continue for the periods specified and until further order of this Court:

1. Within one (1) year after reinstatement, petitioner shall complete the Commission's Professionalism Seminar;

2. Within thirty (30) days after his reinstatement, petitioner shall enroll in a law office management program approved by the Administrator and notify the Administrator of the name of the attorney with whom he is assigned to work. Petitioner shall successfully complete the law office management program within one (1) year after reinstatement.

a. Petitioner shall authorize the attorney assigned to work with him in the law office management program to:

i. disclose to the Administrator on a quarterly basis, by way of signed reports, information pertaining to the nature of petitioner's compliance with the law office management program;

ii. promptly report to the Administrator petitioner's failure to comply with any part of the law office management program; and

iii. respond to any inquiries by the Administrator regarding petitioner's compliance with the law office management program.

b. Petitioner shall establish and utilize a system for the handling of funds belonging to clients and third parties and the maintenance of records that conforms to the requirements of Rule 1.15 of the Illinois Rules of Professional Conduct and instructions provided to petitioner by the Administrator, including:

i. Basic accounting records that must be maintained daily and accurately;

ii. Account Check Register - List sequentially all trust account deposits and trust account checks and maintain a current and accurate daily balance on the trust account;

iii. Account Receipts Journal - List chronologically all deposits into the trust account. Each deposit will list the date of the deposit, the source of each deposit, the client matter, the deposit number and the amount of the deposit. Maintain a copy of each item deposited;

iv. Account Disbursement Journal - List chronologically all trust account disbursements. Identify each disbursement with the date of the disbursement check, the trust account check number, the payee, the purpose of the disbursement, the client matter and the amount of the disbursement check;

v. Client Ledger Journal - List chronologically for each client matter all receipts, disbursements and remaining balances. Prepare a separate page for each client matter and list chronologically all receipts and disbursements and remaining balances for each client matter;

vi. Source documents, which must be preserved for seven (7) years:

(a) Bank statements

(b) Deposit slips

(c) Cancelled checks - All trust account checks must have a named payee (no checks written to "cash") and the memo portion of the check must contain a reference to a client matter.

(d) Time and billing records

vii. Copies of records from client files that are necessary for a full understanding of petitioner's financial transactions with clients: e.g., retainer and engagement agreements; settlement statements to clients showing the disbursement of the settlement proceeds; bills sent to clients and records of payments to other lawyers or non-employees for services rendered.

c. Petitioner shall maintain a running balance maintained for all ledgers and account books, shall reconcile each month the balances in the client ledger journal with the balances in the trust receipts and disbursement journals and the account checkbook register and the bank statements, and shall maintain records of each reconciliation for seven (7) years.

Upon receipt of direction from Michael Shepard, petitioner shall cause the funds being held in escrow by his attorney to be disbursed in accordance with Shepard's instructions.

3. For the first one (1) year period following his reinstatement, petitioner shall comply with the following requirements:

a. Petitioner shall abstain from the usage of alcohol and any unprescribed controlled substances;

b. Petitioner shall, as required by the Administrator, submit to random substance testing by a qualified mental health professional or facility approved by the Administrator, within eight (8) hours of receiving notice by the Administrator that he shall submit to the testing. The results of the tests shall be reported to the Administrator. Petitioner shall pay any and all costs of such testing;

c. Petitioner shall participate in a 12-step program such as Alcoholics Anonymous by attending

at least three (3) meetings per week. Petitioner is to maintain a log of his attendance at these meetings and submit it to the Administrator on a quarterly basis. Petitioner shall also continue his involvement with the Lawyer's Assistance Program and maintain a treatment relationship with his psychiatrist and primary care physician;

d. Petitioner shall maintain a sponsor in the 12-step program and shall provide the name, address and telephone number of the sponsor to the Administrator within fourteen (14) days of his reinstatement. Petitioner shall maintain contact with his sponsor and request that the sponsor communicate with the Administrator in writing on a quarterly basis regarding petitioner's participation and progress in the 12-step program and report any lapses in sobriety or usage of unprescribed controlled substances to the Administrator within seventy-two (72) hours of his/her knowledge of that usage; and

e. Petitioner shall report to the Administrator any lapse in his sobriety or usage of any unprescribed controlled substances within seventy-two (72) hours of the usage.

4. For the second one (1) year period following his reinstatement, petitioner shall comply with the following requirements:

a. Petitioner shall abstain from the usage of alcohol and any unprescribed controlled substances;

b. Petitioner shall, as required by the Administrator, submit to random substance testing by a qualified mental health professional or facility approved by the Administrator, within eight (8) hours of receiving notice by the Administrator that he shall submit to the testing. The results of the tests shall be reported to the Administrator. Petitioner shall pay any and all costs of such testing;

c. Petitioner shall participate in a 12-step program such as Alcoholics Anonymous by attending at least one (1) meeting per week. Petitioner is to maintain a log of his attendance at these meetings and submit it to the Administrator on a quarterly basis. Petitioner is also encouraged, although not required, to continue to attend additional AA meetings, continue his involvement with the Lawyer's Assistance Program, and continue

to maintain a treatment relationship with his psychiatrist and primary care physician;

d. Petitioner shall maintain a sponsor in the 12-step program and shall provide the name, address and telephone number of the sponsor to the Administrator within fourteen (14) days of his reinstatement. Petitioner shall maintain contact with his sponsor and request that the sponsor communicate with the Administrator in writing on a quarterly basis regarding petitioner's participation and progress in the 12-step program and report any lapses in sobriety or usage of unprescribed controlled substances to the Administrator within seventy-two (72) hours of his/her knowledge of that usage; and

e. Petitioner shall report to the Administrator any lapse in his sobriety or usage of any unprescribed controlled substances within seventy-two (72) hours of the usage.

Order entered by the Court.

M.R.23380 - In re: Clara L. Larry. Disciplinary Commission.

The petitions by the Administrator of the Attorney Registration and Disciplinary Commission and respondent Clara L. Larry for leave to file exceptions to the report and recommendation of the Review Board are allowed. Respondent is suspended from the practice of law for sixty (60) days and until she pays restitution in the amount of \$5,000 to Reginald Edwards and \$750 to Deborah Shorty, plus statutory interest to both clients compounded from the date that a final judgment is entered in this case.

Suspension effective February 11, 2010.

Respondent Clara L. Larry shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from her conduct prior to the termination of the period of suspension.

Order entered by the Court.

M.R.23399 - In re: Herb N. Elesh. Disciplinary Commission.

The motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Review Board is allowed. Respondent Herb N. Elesh is suspended from the practice of law for three (3) months and until he successfully completes the professionalism seminar offered by the Illinois Professional Responsibility Institute.

Suspension effective February 11, 2010.

Respondent Herb N. Elesh shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension.

Order entered by the Court.

M.R.23401 - In re: Craig Justin Katz. Disciplinary Commission.

The motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Review Board is allowed, and respondent Craig Justin Katz is suspended from the practice of law for fifteen (15) months and until he pays restitution in the amount of \$1,500 to Darlene Barnes and \$5,000 to Gail Gardner.

Suspension effective February 11, 2010.

Respondent Craig Justin Katz shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension.

Order entered by the Court.

M.R.23410 - In re: Alfred S. Vano. Disciplinary Commission.



The petition by respondent Alfred S. Vano for leave to file exceptions to the report and recommendation of the Review Board is allowed. Respondent is suspended from the practice of law for one (1) year with the last six (6) months of suspension stayed and respondent placed on probation for a period of six (6) months subject to the following conditions:

a. Prior to the end of the probation period, respondent shall attend and complete the course in legal ethics and professional responsibility offered by the Illinois Professional Responsibility Institute;

b. Respondent shall establish and utilize a system for the handling and accounting of funds belonging to third parties, including his partner(s), that is consistent with his fiduciary obligations;

c. Respondent shall attend meetings scheduled by the Commission probation officer as requested by the Administrator and submit quarterly written reports to the Administrator concerning the extent of his compliance with the conditions of probation;

d. Respondent shall notify the Administrator within fourteen (14) days of any change of address;

e. Respondent shall comply with the Illinois Rules of Professional Conduct and shall timely cooperate with the Administrator in providing information regarding any investigation relating to his conduct;

f. Respondent shall reimburse the Commission for the costs of this proceeding as defined in Supreme Court Rule 773 and shall reimburse the Commission for any further costs incurred during the period of probation; and

g. Probation shall be revoked if respondent does not comply with any condition of probation. The remainder of the one (1) year suspension shall commence from the date of the determination that any term of probation has been violated.

Suspension effective February 11, 2010.

Respondent Alfred S. Vano shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct prior to the termination of the period of

suspension/probation.

Order entered by the Court.

M.R.23434 - In re: Wendell Benjamin Sims. Disciplinary Commission.

The motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Review Board is allowed, and respondent Wendell Benjamin Sims is suspended from the practice of law for six (6) months.

Suspension effective February 11, 2010.

Respondent Wendell Benjamin Sims shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension.

Order entered by the Court.

M.R.23444 - In re: Steven Donald Grimm. Disciplinary Commission.

The motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Hearing Board that respondent Steven Donald Grimm be suspended from the practice of law for one (1) year is denied. This cause is remanded to the Commission for further proceedings, i.e., review by the Review Board.

Order entered by the Court.

M.R.23446 - In re: Philip Andrew Igoe. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b) is allowed, and respondent Philip Andrew Igoe is suspended from the practice of law for six (6) months.

Suspension effective February 11, 2010.

Respondent Philip Andrew Igoe shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct prior to the termination of the period of

suspension.

Order entered by the Court.

M.R.23466 - In re: Donald Wayne Garlinger. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b) is allowed, and respondent Donald Wayne Garlinger is suspended from the practice of law for six (6) months.

Suspension effective February 11, 2010.

Respondent Donald Wayne Garlinger shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension.

Order entered by the Court.

M.R.23482 - In re: Anthony A. Demasi. Disciplinary Commission.

Motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Hearing Board is allowed, and respondent Anthony A. Demasi is disbarred.

Order entered by the Court.

M.R.23509 - In re: Fadi Zanayed. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b) is allowed, and respondent Fadi Zanayed is suspended from the practice of law for two (2) years.

Suspension effective February 11, 2010.

Respondent Fadi Zanayed shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension.

Order entered by the Court.

M.R.23510 - In re: Allen Barry Witz. Disciplinary Commission.

The motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Hearing Board is allowed, and respondent Allen Barry Witz is disbarred.

Order entered by the Court.

M.R.23526 - In re: Thomas Joel Manning. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose reciprocal discipline pursuant to Supreme Court Rule 763 is allowed, and respondent Thomas Joel Manning, who has been disciplined in the State of Ohio, is suspended from the practice of law for six (6) months in the State of Illinois.

Suspension effective February 11, 2010.

Respondent Thomas Joel Manning shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension.

Order entered by the Court.

M.R.23527 - In re: Roger Albert Weiler. Disciplinary Commission.

The motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Hearing Board is allowed, and respondent Roger Albert Weiler is suspended from the practice of law for one (1) year.

Suspension effective February 11, 2010.

Respondent Roger Albert Weiler shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct prior to the termination of the period of

suspension.

Order entered by the Court.

M.R.23528 - In re: Frank Angarone. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b) is allowed, and respondent Frank Angarone is censured.

Order entered by the Court.

M.R.23536 - In re: Dean Alan DeJong. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b) is allowed, and respondent Dean Alan DeJong is suspended from the practice of law for thirty (30) days.

Suspension effective February 11, 2010.

Respondent Dean Alan DeJong shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension.

Order entered by the Court.

M.R.23537 - In re: Frank Eugene Jeffers, III. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b) is allowed. Respondent Frank Eugene Jeffers, III is censured and directed to attend the professionalism seminar of the Illinois Professional Responsibility Institute within one (1) year of the entry of this order.

Order entered by the Court.

M.R.23558 - In re: Jeffery Luckett. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b) is allowed. Respondent Jeffery

Luckett is suspended from the practice of law for two (2) years, with the suspension stayed after ninety (90) days by a twenty-four (24) month period of probation subject to the following conditions, with conditions (c) through (j) to commence on the effective date of the Court's final order of discipline, and to continue until the end of the probationary period:

a. Respondent shall successfully complete the course conducted by the Illinois Professional Responsibility Institute at least thirty (30) days prior to the end of the period of his probation;

b. Respondent shall continue to participate in the Chicago Bar Association's ARDC Mentor and Lawyer's Assistance Committee program and shall within thirty (30) days, notify the Administrator, in writing, of the name of the attorney with whom respondent is assigned to work. Respondent shall successfully complete the law office management program at least thirty (30) days prior to the end of the probation term. Through respondent's participation in the law office management program, he shall establish and utilize the following:

1. A system for maintaining records as required by Supreme Court Rule 769;

2. A diary and docketing system in accordance with the requirements established by the law office management program, including a mechanism by which approaching statutes of limitations and other filing deadlines are noted;

3. Systems by which telephone messages are recorded and telephone calls are returned in a timely manner;

4. A system by which written requests by clients for the status of their legal matters are answered, either orally or in writing, in a timely manner;

5. A system by which clients are apprised at the outset of representation of the basis upon which fees will be calculated and costs paid;

6. For cases in which the fee is to be calculated on an hourly basis, a system by which clients are provided with regular itemized billing statements provided at least quarterly, setting forth the services performed by respondent, the date upon which each service was performed, the time spent by respondent on each service and the amount to be charged to the client; and

7. A system for the handling of funds belonging to clients and third parties that conforms to the requirements of Rule 1.15 of the Illinois Rules of Professional Conduct and instructions provided to respondent by the Administrator, including appropriate Trust Account Procedures;

c. Respondent shall abstain from the usage of alcohol and any unprescribed controlled substances;

d. Within fourteen (14) days of this Court's final order of discipline, respondent shall begin a course of treatment with a qualified mental health professional acceptable to the Administrator and shall report to the qualified mental health professional as recommended by the professional and provide the Administrator with information of any change in attendance as warranted by such professional;

e. Respondent shall comply with all treatment recommendations of such mental health professional, including the taking of medications as prescribed;

f. Respondent shall provide to such mental health professional an appropriate release authorizing the treating professional to: (1) disclose to the Administrator on at least a quarterly basis information pertaining to the nature of respondent's compliance with any treatment plan established with respect to respondent's treatment; (2) promptly report to the Administrator respondent's failure to comply with any part of an established treatment plan; and (3) respond to any inquiries by the Administrator regarding respondent's mental or emotional state or compliance with any established treatment plans;

g. Respondent shall notify the Administrator within fourteen (14) days of any change in treatment professionals;

h. Respondent shall, as required by the Administrator, submit to random substance testing by a qualified mental health professional or facility approved by the Administrator within eight (8) hours of receiving notice by the Administrator that he shall submit to the testing. The results of the testing shall be reported to the Administrator. Respondent shall pay any and all costs of such testing;

i. Respondent shall report to the Administrator any lapse in his sobriety or usage of any unprescribed controlled substances within

seventy-two (72) hours of that usage;

j. Respondent shall comply with the provisions of Article VII of the Illinois Supreme Court Rules on Admission and Discipline of Attorneys and the Illinois Rules of Professional Conduct and shall timely cooperate with the Administrator in providing information regarding any investigations relating to his conduct;

k. Respondent shall reimburse the Commission for the costs of this proceeding as defined in Supreme Court Rule 773 and shall reimburse the Commission for any further costs incurred during the period of probation;

l. Respondent shall notify the Administrator within fourteen (14) days of any change of address; and

m. Probation shall be revoked if respondent is found to have violated any of the terms of probation. The remaining twenty-one (21) month period of suspension shall commence from the date of the determination that any term of probation has been violated.

Suspension effective February 11, 2010.

Respondent Jeffery Luckett shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension/probation.

Order entered by the Court.

M.R.23561 - In re: Paul John Maganzini. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b) is allowed, and respondent Paul John Maganzini is censured.

Order entered by the Court.



M.R.23573 - In re: Ann Maureen Day. Disciplinary Commission.  
20976

(23573) The motion by Ann Maureen Day to strike her name from the roll of attorneys licensed to practice law in Illinois pursuant to Supreme Court Rule 762(a) is allowed, effective immediately.

Order entered by the Court.

(20976) The rule to show cause issued to respondent Ann Maureen Day on June 12, 2006, pursuant to Supreme Court Rule 774 is discharged.

Order entered by the Court.